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Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
KENNETH VAN AALSBURG, )  
 )  
Defendant. )

No. CR 07-00603 JW

STIPULATION AND [PROPOSED]  
ORDER CONTINUING EVIDENTIARY  
HEARING REGARDING SENTENCING

This matter is scheduled before the Court for an evidentiary hearing regarding the defendant's sentencing on November 4, 2008. It is the parties' understanding that the Court would be available to conduct an evidentiary hearing on this matter on December 3, 2008 at 1 p.m. The Government anticipates that the original ICE case agent in this matter (who has been transferred to Chicago) will need to fly from Chicago to this area for the evidentiary hearing. The Government now requests that the November 4, 2008 status hearing be continued to December 3, 2008. Defense counsel does not oppose the rescheduling of the evidentiary hearing to December 3, 2008. The parties therefore agree, and the Court finds and holds, as follows:

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1. The evidentiary hearing is continued to December 3, 2008 at 1:00 p.m.

IT IS SO STIPULATED

DATED: Oct 28 2008

/s/  
\_\_\_\_\_  
THOMAS NOLAN  
Attorney for Defendant Van Aalsburg

DATED: 10/29/08

/s/  
\_\_\_\_\_  
JOSEPH A. FAZIOLI  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: Nov. 4, 2008

  
\_\_\_\_\_  
JAMES WARE  
UNITED STATES DISTRICT JUDGE